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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,453	03/12/2004	Donald L. Van Creveld	2003P18809US	7707

7590 09/12/2006

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER

JAWORSKI, FRANCIS J

ART UNIT	PAPER NUMBER
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3768

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,453	VAN CREVELD ET AL.	
	Examiner	Art Unit	
	Jaworski Francis J.	3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3-12-04</u> . | 6) <input type="checkbox"/> Other: _____ |

1Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 9, 13 – 20, 29 – 31, 34, 36 – 38, 40 – 41, 44 - 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitney et al (US5081993) further in view of Wakabayashi et al (US5487386). The former identifies in column 14 top portion three or more aspects of what might be termed unauthorized use of a medical imaging device for which electronic identifier 86 resident in the connector (fig. 17) is remedying:

- i) whether probe is authorized for the particular imager
- ii) whether re-use is authorized based on individual serial number
- iii) whether probe is authorized for the procedure site being contemplated.

Whereas Kitney et al does not explicitly state that the system processor generates a 'security signal' therefrom it would have been obvious further in view of Wakabayashi et al for the system processor to provide a security signal such as an alarm or disablement control function as detailed therein against a fourth type of unauthorized use: iv) usage beyond the stale date of cumulative use, and for which an encoding function of the processor encodes usage information into the EEPROM memory. (e.g Claims 1 – 4, 7).

The various manufacturer, serial number and application codes would necessarily have to be searched for or elicited from the connector memory via the input

port in Kitney et al and matched to a type of verification information for the decisional protocol regarding authorization to work. (e.g. Claims 5, 6, 8 - 9).

Claims 10 – 12, 21 – 28, 32 – 33, 35, 39, 42 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitney et al in view of Wakabayashi et al as applied to claim 1 above, and further in view of Ichikawa et al (US5609560), alone or further in view of Brock-Fisher (US6500126), Harmon et al (US5742718) or Conero et al (US6676600) or Osadchy et al (US6266551).

Whereas the former do not discuss a judgmental match/mismatch, it would have been obvious in view of Ichikawa et al (albeit ultrasound surgical tool with ID connector and optical mode imaging) to check ID agreement for yet a fifth authorization purpose: v) proper user, and by wireless RF interrogation thereof.

In the alternative, it would have been obvious in view of :

Brock-Fisher - ultrasound imager; memory unit 30 stores probe ID info ; adaptor 42 includes a configuring unit 52, and the suggestion is made col. 9 lines 17 – 23 to perform the scanhead to console connection wirelessly.

Harmon et al – electrosurgical probe; connector with secure access ID in memory 71, col. 6 lines 51 – 55.

Conero et al – Doppler transducer pair with pressure monitor, security ID 418, wireless mode with adapter Fig. 5.

Osadchy et al – ultrasound imaging col. 10 lines 33 – 35, microcircuit 90 Fig. 5 includes access authorization capability; can be RF or wireless. Position information is also transmitted from the catheter tip RF coils.

to provide RF wireless interrogation of authorization which would include being non-operational where usage conditions unmet. That is to say, the wireless access features when operational within the wireless range would serve to deny access upon a certain proximity.


[Alternately stated, the Examiner is fronting all five high-relevance RF wireless probe identifier patents in parallel secondary application here because the art of 'smart probes' is interlinked via common housing of an ID memory in a connector/adaptor, similarity of access/proper use issues and the elimination of wired connections to the main instrument.]

The following art is cited as of interest regarding probe feature identifiers:
6645149 limited life; 5425375 – usage vs warranty, 5544660 – wireless optic LED read across connector; 5720293 – cols. 10-11 encryption; 6298255 – encrypted shelf life, max use criteria; 6387092, 6651669 – prevention of re-use.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

09012006



Francis J. Jaworski
Primary Examiner